

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SUP-18001 – APPLICANT/OWNER: LESLIE DIANE

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 17, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. One year Required Review after the issuance of a business license as an Administrative Review.
2. Prior to the issuance of a business license the removal of the barbed wire and repair of the chain link fence that is being used as rear-entry screening must be completed.
3. Conformance with the City of Las Vegas Sign Code, Title 19.14.140, regarding abandoned signs shall be required. Existing signage must be removed, covered with a blank sign face, or replaced with appropriate signage for an on-premise, licensed business within 30 days of final action. Blank sign face or replacement signage is subject to Planning and Development staff review prior to any Building Department permit approval.
4. Conformance to all Minimum Requirements under LVMC Title 19.04 for a Package Liquor Off-Sale Establishment use.
5. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Package Liquor Off-Sale Establishment on 0.24 acres at 625 South Las Vegas Boulevard. The applicant wishes to provide specialty wines, imported beers and ales, liquors and gourmet items to the local office and professional trades as well as the residents of the new downtown high-rise residential developments.

The subject proposal meets all Title 19 standards for Package Liquor Off-Sale Establishment uses. The Downtown Centennial Plan does not have an automatic parking application and under that plan the provided parking is adequate. This use is compatible with the surrounding area. Staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/18/93	The City Council granted an appeal, thereby approving the Variance (V-0064-93) to allow the secondhand sale of jewelry, electronics, tools and collectibles on the subject site. The Planning Commission and staff had recommended denial.
10/03/01	The City Council approved a request for a Special Use Permit (U-0115-01) for a proposed second hand dealer. The Planning Commission and staff had recommended approval.
12/21/06	The Planning Commission voted 4-1/bg to recommend APPROVAL (PC Agenda Item #8/rts).
<i>Related Building Permits/Business Licenses</i>	
10/12/06	A business license for a L15 (Package - A package license authorizes the retail sale of alcoholic beverages in original sealed or corked containers for consumption off the premises) category license was processed in by the Department of Finance and Business Services. This license (L15-98531) was denied by planning, on 10/19/06, pending approval of a Special Use Permit.
10/18/06	A business license for a M06 (Miscellaneous Sales - Sales of tangible goods not otherwise specified in the Code) category license was processed in by the Department of Finance and Business Services. This license (M06-98649) was approved by planning, on 10/19/06. As of 11/17/06 this license had not been issued.
<i>Pre-Application Meeting</i>	
10/11/06	A pre-application meeting was held and elements of this application were discussed. It was noted that photos of the existing building would suffice for the building elevation requirements. Submittal requirements were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	

Details of Application Request	
Site Area	
Net Acres	0.24

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail (Vacant)	C (Downtown Commercial)	C-2 (General Commercial)
North	Wedding Chapel	C (Downtown Commercial)	C-2 (General Commercial)
South	SOB	C (Downtown Commercial)	C-2 (General Commercial)
East	Office	C (Downtown Commercial)	C-1 (Limited Commercial)
West	Office	C (Downtown Commercial)	C-2 (General Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Downtown Centennial Plan	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
Downtown Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

DEVELOPMENT STANDARDS

Pursuant to Title 19.04 and Title 19.10, the following parking standards apply:

In addition to Table 13.01-1 and Table 13.01-2, the following parking standards apply:

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular		Handi-capped
General Retail Store, Other Than Listed (Less than 3500 Sq. Ft.)	1600 SF	1 Space /175 SF of GFA	9	1	8	1	Yes *
TOTAL (including handicap)	1600 SF	1 Space /175 SF of GFA	9		8		Yes*

* Note: Sites within the Las Vegas Downtown Centennial Plan do not have an automatic application of Title 19.04 or Title 19.10 parking standards.

ANALYSIS

The subject property has a land use designation of C (Downtown Commercial). This designation allows for a variety of commercial uses ranging from those designed primarily for local area patrons to those of a higher intensity commercial use. The underlying zoning of C-2 (General Commercial) complies with this designation. Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements.

Package Liquor, Off-Sale Establishments are allowed in a C-2 (General Commercial) zone with approval of a Special Use Permit. The nearest alcohol use, a tavern, is located south of the property at 910 South Las Vegas Boulevard.

The proposed use is appropriate for the area and will be located in an existing structure previously occupied by a second hand dealer. There are no protected uses within the required separation distance.

There is existing signage on the windows and awning that are from the previous business which ceased activity January 2006. Title 19.14.140 requires that this signage be replaced or removed within 30 days of business termination and a Condition of Approval has been added to reflect this requirement. This site is within the Las Vegas Boulevard Scenic Byway Overlay District. Due to this the Urban Design Coordinator will have to review and approve any change in signage prior to the issuance of any Building and Safety Department sign permit. Minimum Requirements of Approval for Package Liquor, Off-Sale Establishment in a C-2 (General Commercial) Zoning District.

- *1.** Except as otherwise provided, no package liquor off-sale establishment use (herein after “establishment”) shall be located within 400 feet of any church, synagogue, school, childcare facility licensed for more than twelve children, or City park.
- *2.** Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:
 - a.** Any leasehold parcel; or
 - b.** Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.

- *3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
 - a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
 - b. In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
- 4. The minimum distance requirements in Requirement 1 do not apply to:
 - a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
 - b. A proposed retail establishment having more than 50,000 square feet or retail floor space.
- *5. All businesses, which sell alcoholic beverages, shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

The proposed package liquor, off-sale establishment meets the minimum requirements for approval.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

As this is in the C (Downtown Commercial) area, the subject proposal will be harmonious and compatible with existing surrounding land uses and with future uses as projected by the General Plan.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

Package liquor, off-sale establishment at this location will not greatly affect the intensity of uses on the site. Although, the site does not meet the base parking standards staff finds that there is adequate parking on the site to accommodate the proposed use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site is served by South Las Vegas Boulevard (an 80-foot secondary collector). This thoroughfare can accommodate the proposed package liquor, off-sale establishment use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this request will not compromise the public health, safety or welfare of the general public and will not jeopardize the overall objectives of the General Plan.

PLANNING COMMISSION ACTION

At the Planning Commission there was one speaker in protest. Condition #1 was added by the Planning Commission.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 437 by City Clerk

APPROVALS 0

PROTESTS 1